

REMARKS

Applicant has reviewed and considered the Office Action mailed on October 13, 2006, and the references cited therewith.

Claims 1, 5, 6, 9-11, 14, 15, 18-23, and 27-29 are amended, claims 2-4, 7, 8, 12, 13, 16, 17, and 24-26 are canceled, and no claims are added; as a result, claims 1, 5, 6, 9-11, 14, 15, 18-23, and 27-29 are now pending in this application.

Claim Objections

Claim 1 was objected to because it repeated the word "secondary." The offending portion of claim 1 has been amended to remove the recitation of "secondary." Accordingly, applicants believe this rejection has been overcome.

35 USC §102 Rejection of the Claims

Claims 1-8 and 14-16 were rejected under 35 USC § 102(b) as being anticipated by Keskula et al. (U.S. Patent No. 6,406,806 B1). Claims 2-4, 7, 8, and 16 have been canceled, rendering this rejection moot with respect to those claims. Independent claims 1 and 14 have been amended, and applicants respectfully believe that this rejection has been overcome as a result.

Regarding claim 1, applicants have amended claim 1 to recite a power delivery interface (corresponding to interface 160, Figure 1) and a power multiplexer coupled to provide power through the power delivery interface from the fuel cell or the battery. Accordingly, the claimed invention of claim 1 provides structure (the power multiplexer) to select the fuel cell or the battery to provide power. In contrast, Keskula shows a battery bank (212) that is always connected. As described in column 7, lines 1-15 of Keskula, the battery bank 212 begins to supply power immediately upon a loss of line power, and the fuel cell is started to provide a backup to the battery. Applicants respectfully submit that Keskula does not disclose, teach, or suggest "a power multiplexer to provide power ... from either the fuel cell or the battery" as recited in claim 1 as amended.

In addition, applicants have further amended claim 1 to recite structural relationships between the controller and the other elements of the claim.

Claims 5 and 6 depend on claim 1 and are believed to be in condition for allowance at least by virtue of dependency.

Regarding independent claim 14, the claim has been amended to recite determining if the fuel cell and battery are ready to source power, and signaling a load device to reduce a load if neither the fuel cell nor the battery is ready to source power. Whereas the claimed invention of claim 14 signals a load device to reduce a load based on a logical combination of the readiness of both the fuel cell and the battery, Keskula, in contrast, requests a load reduction based only on the battery voltage. Column 7, lines 36-42, and Figure 5, 304. Accordingly, applicants believe that the rejection of claim 14 has been overcome, and further believe that claim 14 is in condition for allowance.

Claim 15 depends on claim 14 and is believed to be in condition for allowance at least by virtue of dependency.

Claims 14-16, 20 and 21 were rejected under 35 USC § 102(e) as being anticipated by Colborn et al. (U.S. Patent No. 6,787,259 B2). Claim 16 has been canceled rendering this rejection moot with respect to that claim. Claims 14, 15, 20, and 21 have been amended, and applicants believe this rejection has been overcome with respect to those claims.

Independent claims 14 and 20 have been amended as described above in the response to the rejection under 35 USC § 102(b) as being anticipated by Keskula. Whereas the claimed invention of claims 14 and 21 signals a load device to reduce a load based on a logical combination of the readiness of both the fuel cell and the battery, Colborn, in contrast, requests a load reduction based only on the fuel cell voltage. See Figure 3 of Colborn. Accordingly, applicants respectfully submit that claims 14 and 20 are in condition for allowance.

Claims 15 and 21 depend on claims 14 and 20, respectively, and are believed to be in condition for allowance at least by virtue of dependency.

Claims 23-29 were rejected under 35 USC § 102(e) as being anticipated by Gore (U.S. Patent No. 6,855,443 B2). Claims 24-26 have been canceled, rendering this rejection moot with respect to those claims. Independent claim 23 has been amended to recite a computer and a hybrid power system similar to the subject matter of claim 1. Applicants respectfully submit that

the cited references do not disclose, teach, or suggest the subject matter of claim 23, including for example, “a hybrid power system comprising a fuel cell, a battery, [and] a power multiplexer coupled to provide power to a power delivery interface from either the fuel cell or the battery”. Accordingly, applicants believe claim 23 is in condition for allowance. Claims 27-29 depend on claim 23 and are believed to be in condition for allowance at least by virtue of dependency.

35 USC §103 Rejection of the Claims

Claims 9-13 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Keskula et al. (U.S. Patent No. 6,406,806 B1). Claims 17, 18 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Colborn et al. (U.S. Patent No. 6,787,259 B2). Claims 12, 13, and 17 have been canceled, rendering these rejections moot with respect to those claims. Each of the rejections under 35 USC § 103(a) relies on the rejection of the corresponding independent claims under 35 USC § 102. As described above, applicants have amended to independent claims to overcome the rejections under 35 USC § 102, and believe the independent claims to be in condition for allowance. Accordingly, applicants believe these rejections under 35 USC § 103(a) have been overcome.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (952-473-8800) to facilitate prosecution of this application.

Respectfully submitted,

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By their Representatives,

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Date January 16, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of January, 2007.

Jenny Hollingsworth
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